IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 8836 of 2004

Between:

Bansilal Agarwal, S/o Late Bhagwandass Agarwal, R/o Plot No.88, Road No.72, Prashasannagar, Jubilee Hill, Hyderabad.

... PETITIONER

AND

The State of A.P.rep.by the Inspector of Police, Suryapet Town, Suryapet, Nalgonda District.

...RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ or an order or a direction one in the nature of Mandamus declaring the action of the respondent in detaining the vehicle bearing No.AP-10-AL-T/R-357 (Honda City) car of the petitioner as illegal contrary to law and constitutional rights

Counsel for the Petitioner: MR.J.C.FRANCIS

Counsel for the Respondent: GP FOR HOME

The Court made the following order:

ORDER:

The grievance of the petitioner is that the Inspector of Police, Suryapet Town, Nalgonda District, illegally detained his vehicle bearing No.AP-10-AL-T/R-357 (Honda City) Car interfering with his personal property. Therefore, he seeks a direction to declare the action of the respondent as illegal.

Counter has been filed stating that the respondent never detained the vehicle of the petitioner. A case in Cr.No.168 of 2003 under Section 420 IPC was registered on 16.09.2003 on the file of Suryapet Town Police Station basing on the complaint of K. Venkanna against Y. Mohan and three others including Sisir Agarwal of Crester Mutually Aided Multipurpose Cooperative Society Limited and during the course of investigation on 02.10.2003, Section 5 of the Andhra Pradesh Protection of Depositors of Financial Establishments Act,1999 was added to the said crime and the investigation is still pending. No property movable or immovable of the said Financial Establishment or the vehicle in question treating the same, as the property of Sisir Agarwal was never seized.

As the police has denied and stated that the vehicle was not at all detained or seized the question of releasing the same does not arise.

In view of the aforesaid facts and circumstances of the case, the question of declaring the action of the respondent in detaining the said vehicle as alleged does not arise.

Accordingly, the writ petition is dismissed. No costs.

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V. ESWARAIAH, J

April 5, 2005

Dsk

To

1. The Inspector of Police, Suryapet Town, Suryapet, State of A.P.

Nalgonda District.

2. Two CCs to GP For Home, High Court Buildings, Hyderabad (OUT)

Two CD Copies.